

ADVANCING GENDER EQUALITY IN SIERRA LEONE'S LAND SECTOR

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Abstract

Africa has not been immune of land rights violations. Throughout Africa, the right to use and access land has been obstructed from marginalized communities. Women are the victims of this harsh reality and efforts to address this on a universal level has been futile. As an independent researcher, I conducted a deep-analysis of the literature in order to understand the adaptive challenge of gender equality and the infringement of women's rights when it comes to land access and use in Sierra Leone. Using an adaptive analysis framework, I was able to comprehend the systemic inequalities and complexities in the land sector, as a result, I was well equipped to provide real-time recommendations for organizations on the ground such as Transparency International. These recommendations provided actors and stakeholders with a set of practical tools so as to be better equipped in their gender empowerment and risk assessment work.

Keywords: Rights, Gender Equality, Women, Land

Introduction / Problem Statement:

“For many years, activists have campaigned for women's rights to access, control, and, where context allows, own land. This is in recognition of the fact that land is important not only for growing food or as a place to build a home. Land is also a resource that can be used to generate other forms of livelihoods, a place to belong to, and an identity.”⁷ In Sierra Leone, 80% of people working in the agricultural sector are women⁸. However, there are so many challenges that they encounter when it comes to land use.

⁷ “*From Marginalization to Empowerment: The potential of land rights to contribute to gender equality – observations from Guatemala, India and Sierra Leone.*” ActionAid. http://www.actionaid.org/sites/files/actionaid/from_marginalisation_to_empowerment_-_land_rights_and_women.pdf

⁸ *Sierra Leone's Women Face Land Rights Challenges.* http://www.voanews.com/content/sierra_leone_women_face_land_rights_challenges/1621710.html. Voice of America. February 19, 2013.

Land rights is a pivotal tool that can contribute to gender equality in Sierra Leone. In fact, when women have secured land rights, they are able to maintain a standard of living and in the long-run take their families out of poverty.

In Sierra Leone, 83% of the owned land is that of the family⁹. The systematic complexities such as the oldest male holding land trust or a chief being the holder of communal land, makes it arduous for women to climb up the echelon of land ownership/tenure. Lower class of individuals such as women are unable to have equal access to land. In cases in which they ideally should, they have their land rights stripped away as a result of the politics and bureaucracy that occurs in the nation. This memorandum seeks to provide a set of recommendations to non-governmental organizations on the ground in order to mitigate gender inequality risks associated with the land sector.

I. Women in Legislation

In 2009, The Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) conducted a report that revealed that “63% of women in urban areas and 84% of women in rural sectors are engaged in the informal sector, hampered from reaching their potential by poor and unequal access to land (based on customary practices), skills training, appropriate technology, functional literacy, and information on markets and finance.”¹⁰ Just like many other countries, there is a disproportionate number of women in Sierra Leone’s parliament. In Sierra Leone, “women make up 52 percent of Sierra Leoneans, yet occupy less than 20 percent of elected positions.” Hence, it is important to have an active women’s presence in decision-making¹¹.

Recommendation I

In order to promote gender equality in the land sector, non-profits should partner with other women’s rights organizations and political associations that are currently working to pass a gender equality portion of

⁹ “*From Marginalization to Empowerment: The potential of land rights to contribute to gender equality – observations from Guatemala, India and Sierra Leone.*” ActionAid. http://www.actionaid.org/sites/files/actionaid/from_marginalisation_to_empowerment_-_land_rights_and_women.pdf

¹⁰ Perrault F, Baldeh Y, Wahome J, Zayid J. “*Sierra Leone, Country Strategy Power 2013-2017.*” http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/2013-2017%20-%20Sierra%20Leone%20Country%20Strategy%20Paper_01.pdf African Development Bank Group. August 2013.

¹¹ “*Sierra Leone*” The National Democratic Institute. <https://www.ndi.org/sierra-leone>

the government's Agenda for Prosperity (A4P) bill. This affirmative action bill will allocate at least 30% of parliamentary seats to women¹². Having this bill signed into law is pivotal when it comes to making long term systematic change.

According to The Foreign Affairs Minister, his honorable Samura Kamara having more women appointed to topmost public decision positions “provides a clearer national framework and road map for the government and stakeholders on women's rights and their advancement thereof.”¹³ Organizations such as *Human Rights Watch and Transparency International* should actively frame its gender equality goals utilizing “*The National Policy on the Advancement of Women and the National Policy on Gender Mainstreaming*” as it partners with other women's rights organizations and political associations that are geared towards advancing women's empowerment¹⁴. By using this framework, these actors are clearly pointing out to stakeholders that gender equality is mainstreamed in most of the policies, plans and legislations; however, it needs to be mainstreamed in the country's land sector.

National Women's Commission

Presently, there are not any institutions or processes set in place for women to galvanize collectively when it comes to land rights and land tenure. ActionAid sampled 58 women to gauge them on their sentiments towards public forums¹⁵. Only sixteen of those surveyed felt that they had something substantial to contribute to these forums. In fact, the vast majority of them lacked the sense of empowerment that comes through collective action. If Sierra Leone is going to make strides in gender equality when it comes to land use and access, it is imperative that everyone sees the

¹² Perrault F, Baldeh Y, Wahome J, Zayid J. “*Sierra Leone, Country Strategy Power 2013-2017*” http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/2013-2017%20-%20Sierra%20Leone%20Country%20Strategy%20Paper_01.pdf African Development Bank Group. August 2013.

¹³ *Sierra Leone's Women Face Land Rights Challenges.* http://www.voanews.com/content/sierra_leone_women_face_land_rights_challenges/1621710.html. Voice of America. February 19, 2013.

¹⁴ “*Status of Gender Mainstreaming in Sierra Leone.*” Ministry of Social Welfare, Gender and Children's Affairs. http://www.ecreee.org/sites/default/files/documents/news/status_of_gender_mainstreaming_in_sierra_leone_0.pdf

¹⁵ “*From Marginalization to Empowerment: The potential of land rights to contribute to gender equality – observations from Guatemala, India and Sierra Leone.*” ActionAid. http://www.actionaid.org/sites/files/actionaid/from_marginalisation_to_empowerment_-_land_rights_and_women.pdf

importance of working together, and it starts from the highly-educated woman as well as the woman struggling to make ends meet for her family.

Recommendation II

The United Nations has advised the government of Sierra Leone to set up a National Women’s Commission as a way of achieving the Millennium Development Goal #3. The boards of various governmental and non-governmental organizations in Sierra Leone need to utilize its contacts and networks in The Ministry of Social Welfare, Gender and Children's Affairs. There is a need for a National Women’s Commission in Sierra Leone especially when it comes to promoting gender equality. “In situations where women can own and control land, such as where one can buy the land from the land market, women are constrained by several socio-economic factors, such as illiteracy, lack of capital and implements, lack of collateral, lack of farm management experience, training and advice.”¹⁶

Having such a commission set in place serves as a centripetal tool when it comes to galvanizing women of all classes. This is because when there are institutions that exist and allow change to permeate, the vast majority of women are more than likely going to take advantage of the resources at their disposal. TI should actively work with the Ministry when it comes to creating this Commission. A National Women’s Commission would further the gender empowerment cause since women in both urban and rural areas would be empowered to not only speak up, but to drive change in their municipalities and local towns/cities. However, as these non-state actors lobby for the establishment of this Commission, it must work to ensure that a division to investigate to Gender Inequality & Land Issues is created. Having this component would serve as a system of checks and balances to not only curb down the rate of corruption on both a micro and macro scale, but also monitor other irregularities and discriminatory activities going on in the system.

“Rural land is generally abundant, and availability of land is not considered a constraint in agricultural production. However, locally powerful families and chiefs often control access to the highly valued wetlands and inland valley swamps that permit intensive, year-round production, and less powerful members of rural communities, including women, may not have equal opportunities to access productive land. In the capital of Freetown and its environs (called the “Western Area”), much of the land is privately held in freehold tenure.”¹⁷

¹⁶ G. Mutangadura. “Achieving gender equality, women’s empowerment and ending violence against women in Africa: A review of the role of family policy and social protection.” <http://undesadspd.org/LinkClick.aspx?fileticket=mmmM6gFDxYlw%3D&tabid=215>

¹⁷ USAID: Property Rights and Land Governance: Sierra Leone.

Thus, there needs to be a system or institution set in place that serves as a system of checks and balances when it comes to different stakeholders involved in land access and rights. If this is in place, less powerful members of rural communities would be able to have equal opportunities to access productive land.

Women and Mining: Sierra Rutile Mining Area

*“In Sierra Leone, women in the Sierra Rutile mining area have been forced to cultivate upland areas with less productive soils because of mining-linked dispossessions. Two affected districts, Bonthe and Moyamba, are among the five poorest districts in the country, with the loss of livelihoods due to resource theft and environmental degradation caused by rutile and bauxite mining identified as the most significant contributor to chronic poverty and food insecurity.”*¹⁸

Securing gender equality also implies enabling women to have access to the most fertile lands. In an ideal world, women should not be forced to cultivate in less fertile lands. Unfortunately, that is the case in the Sierra Rutile mining area of Sierra Leone. An in-depth investigation into companies that operate in that region shows that 11 villages that were displaced by these multinationals were “resettled in farmlands reported to be grossly inadequate.”¹⁹

The actions of various corporations and multinationals in Sierra Leone’s mining sector not only detrimental to women’s rights but also to a plethora of other development goals. For example, practices such as those occurring in the Sierra Rutile area of Sierra Leone do not only increase the level of poverty for families, but they also promote negative social ideologies such as not sending your girl child to school and other forms of exploitation.

Recommendation III

Transparency International and Adam Smith International Partnership

In an attempt to reduce the risks associated with the mining sector, *Transparency International* must join forces with other watch dog groups immersed in this adaptive challenge. *Adam Smith International* is actively immersed in Sierra Leone when it comes to establishing a regulatory

http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Sierra_Leone_Profile.pdf

¹⁸ Akiwumi F.A, “*Transnational mining corporations and sustainable resource-based livelihoods in Sierra Leone*”, *Singapore Journal of Tropical Geography*, 32:1, 2011, pp. 53–70

¹⁹ Mboka L, “*Chronicle of corporate exploitation: The Sierra Rutile experience*”, *Mines and Communities*, 15 September 2003, www.minesandcommunities.org/article.php?a=3732

framework for artisanal mining in the country²⁰. Currently, this free-economy based group, is implementing a set of regulations that are aimed at protecting the rights of workers and the environment.

In 2009, the government of Sierra Leone passed the Mines and Minerals Act. This law entrusts all ownership and control of mines in the hands of the state²¹. However, enforcing this act has been an arduous task. From 2010-2011, *Adam Smith International* sought to achieved two major objectives in its work in the mining sector²²:

- i. Drafted mining Social and Environmental Regulations
- ii. Drafted mining technical Operational Regulations, including health and safety provisions
- iii. Developed a Resettlement Policy Framework

Despite their tremendous achievements, there are still unjust and inhumane occurrences in The *Sierra Rutile* mining area and a plethora of other places. These events are not only detrimental to women, but they pose a huge risk to the development and well-being of mining communities. TI must undoubtedly collaborate with *Adam Smith International*, so as to effectively reduce mining sector risks, but also promote gender equality on the long-run. This partnership should also involve working alongside the federal government when it comes to making sure that women have equal access to land, and that other health and environment hazards can be put in check/monitored. Most importantly, it is important that the mining companies and other stakeholders are able to reach a compromise when it comes to reducing the risks associated with the mining sector while attracting international investment.

Resisting Change on the Micro Level.

The customary laws in Sierra Leone make it hard for lower class women to own land. This is because if one is not a part of a well-established family, her chances of owning or even investing in land is diminished. For those that even are a part of privileged families, land ownership is not even guaranteed.

²⁰ Adam Smith International. “*Establishing a regulatory framework for artisanal mining in Sierra Leone.*” <http://www.adamsmithinternational.com/explore-our-work/west-africa/sierra-leone/establishing-a-regulatory-framework-for-artisanal-mining-in-sierra-leone>

²¹ Viruet-Soto Yadira. “*The Mineral Industry of Sierra Leone.*” <http://minerals.usgs.gov/minerals/pubs/country/2010/myb3-2010-sl.pdf>

²² The Guardian. “*Legislative, institutional and economic reform of Sierra Leone's mining sector.*” <http://www.theguardian.com/global-development-professionals-network/adam-smith-international-partner-zone/legislative-institutional-economic-reform-sierra-leone-mining-sector>

“In 2007, the Devolution of Estate Act made it illegal to prevent a woman from inheriting a husband’s property after his death and recognized the rights of polygamous spouses, but as the Act only applies to an individual’s right to land and not a family’s right to land it has not been recognized by Paramount Chiefs and has been overruled by customary law in many areas, according to anecdotal reports.”²³

Thus, even when the law changes, paramount chiefs and other local authorities take decisions into their own hands based on what they deem best. Whether it is nepotism or corruption, paramount chiefs are not seeking to honor the supreme law of the land. In many cases, rural and urban women are uneducated about their rights when it comes to owning a piece of land or property that is rightfully theirs.

Recommendation IV

It is recommended that research groups in both academia and government come together to conduct a case-study or perform a set of interviews with women in The Limba Tribe of Sierra Leone²⁴. An evidence-on-demand study revealed that these women in the North have land ownership and land access rights. Within that same study, the authors also highlighted that a woman has a higher chance of owning land or property, if she is situated in The Western Region of the country²⁵. *Organizations that have the capacity to*, should conduct a case-study or have interviews with women in these localities. Doing so, would enable TI to have an idea on how these women achieved this milestone and what was done to improve the gender equality atmosphere in those areas, in terms of land access and use.

Recommendation V

Last but not the least, all actors should work with The Ministry of Lands, Country Planning and Environment when it comes to educating paramount chiefs and raising public awareness about land rights for women.

²³ IRIN (2012) Sierra Leone: Fighting for women’s right to land, 22 June 2012, IRIN. Available at: <http://www.irinnews.org/report/95705/sierra-leone-fighting-for-women-s-right-to-land> [Accessed 2 February 2015]

²⁴ USAID (2010) USAID Country Profile Property Rights and Resource Governance, Sierra Leone. Available at: http://usaidlandtenure.net/sites/default/files/country-profiles/fullReports/USAID_Land_Tenure_Sierra_Leone_Profile.pdf [Accessed 2 February 2015].

²⁵ Williams, S. and Oredola-Davies, P. (2006) ‘*Land and pro-poor change in Sierra Leone: Scoping Study*’, prepared for joint EU-DFID Country Assistance Plan for Sierra Leone, July 2006. Available at: <http://www.britishcouncil.org/land-and-pro-poor-change-in-sierra-leone.pdf> [Accessed 2 February 2015]

Working with the ministry would help bridge the gap between theory and practice when it comes to honoring The Devolution of Estate Act.

Conclusion:

Gender equality and land rights are hand-in-hand when it comes to empowering our young women, but also in terms of alleviating poverty for several households in Sierra Leone. Land rights for women are a pivotal tool that can bring social and economic change in Sierra Leone. As a result, this topic should not be taken for granted. The recommendations provided above would hopefully serve as a starting point for ensuring that a laissez-faire approach is not taken by the government when it comes to land crisis.